

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JESUS A. DE LEON TRICOCHÉ
Plaintiff

v.

**DEPARTMENT OF CORRECTION AND
REHABILITATION and OTHERS**
Defendant

Case Number:

24-cv-1548 ADC

For: Civil & Constitutional Rights Violation

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PRISONER CIVIL RIGHTS COMPLAINT
42 U.S.C. §1983

TO THE HONORABLE COURT:

COMES NOW Plaintiff Mr. Jesus De Leon-Tricoche, by his own right "*in forma pauperis*" who very respectfully EXPOSES, ALLEGUES and REQUESTS as follows:

1. Plaintiff is Mr. Jesus A. De Leon Tricoche (*up forward* "Petitioner" or "Plaintiff"), who is incarcerated in Puerto Rico's local state prison "Bayamon 501" under the custody of Puerto Rico's Department of Correction and Rehabilitation after being sentenced by First Instance Court in
2. Defendant Part is the Commonwealth of Puerto Rico, the Department of Correction and Rehabilitation (*up forward* "DCR"), and its functionaries and/or employees listed as follows:

Defendant No. 1

Ana I. Escobar Pabon
Secretary DCR
PO BOX 71308
San Juan, PR 00936

Defendant No. 2

Maria De Leon Aponte
Inmate Classification Office
PO BOX 71308
San Juan, PR 00936

Defendant No. 3

Pedro Santos Echevarria
Superintendent
PO BOX # 71308
Ponce, PR 00936

Defendant No. 4

Zaida Ocasio
Superintendent
PO BOX 71308
San Juan, PR 00936

Defendant No. 5

Capt. Jorge Silvestrini Ruiz
Captain of Security
PO BOX 71308
San Juan, PR 00936

Defendant No. 6

Lt. Maximino Cuevas Rivera
Commander Inst. Ponce 1000
PO BOX # 71308
Ponce, PR 009

Defendant No. 7

Lt. Walbert Gonzalez
Lieutenant Inst. Ponce 1000
PO BOX 3699
Ponce, PR 00728-1504

Defendant No. 8

Mr. Johnny Ocasio Caquias
Correctional Officer I
PO BOX 3699
Ponce, PR 00728-1504

Defendant No. 9

Mr. Luis Sanchez
Caseworker Inst Ponce 1000
PO BOX 3699
Ponce, PR 00728-1504

Defendant No. 10

Mrs. Migdalia Cintron

Case Worker's Supervisor Ponce 1000

PO BOX 3699

Ponce, PR 00728-1504

Defendant No. 11

Mr. Rafael Nazario

Case Worker Ponce 1000

PO BOX 3699

Ponce, PR 00728-1504

Defendant No. 12

Ms. Carmen Ortiz

Caseworker's Supervisor

PO BOX 3699

Ponce, PR 00728-1504

3. The Defendant files the present lawsuit understanding that his claim is meritorious and that is entitled to a remedy or redress as his constitutional and civil rights have been violated by the Defendants in the present case for guilty actions that have caused harm and damage to the Petitioner described as follows:

In September 2019 after many attempts writing to the DCR's Headquarters Inmate Classification Office and through his case workers with no actions taken by the agency, the Defendant files a Grievance Procedure Request "Administrative Remedy" requesting to be taken off the protective custody section as he no longer feels his physical integrity or his life is in danger, requested to be replaced into General Population as it proceeds in right according to the "Classification Manual".

In October 1, 2019 DCR denied the Petitioner's request with the reasoning that since he has been under protective custody since September 2010 so Defendant's petition does not proceed to guarantee his own security and other inmates as well.

Not content with the response, Defendant filed a motion to appeal such determination in Puerto Rico's Court of Appeals where June 30, 2020 the panel of Judges assigned granted the Defendants request and ordered the DCR to remove Petitioner from protective custody and to be transferred to general population.

Since then, the DCR and its functionaries listed above have not complied with the Court of Appeal's order causing him harm and damage, mental anguish, anxiety, emotional distress, physical danger, etc.

4. For all that has been described before, Petitioner files this motion for lawsuit understanding that he is entitled to redress for the harm and damages caused by illegal actions taken by the Defendants. The remedy requested by the Petitioner in this case is a monetary compensation of forty thousand (\$40,000) per each Defendant for a total of four hundred thousand (\$400,000) dollars redress.

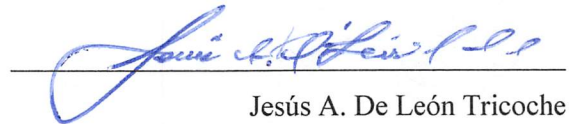
5. Defendant refers to Puerto Rico local state laws and Ruling Manuals established by the DCR specifically "Manual of Classification of Inmates" where it states that when an inmate enters voluntarily to protective custody, inmate can get out of protective custody at any moment if requested by handwriting.

6. Petitioner includes here *Motion to Proceed In Forma Pauperis* so that this Honorable Court may confirm that the current status of confinement as an indigent person does not allow him to be able to pay all the fees that are necessary in these cases and also that this Honorable Court may take that in consideration and grant him an appointed council to be able to assure the correct defense in this case and that all the procedures upfront for the case may be satisfied according to law.

THEREFORE Plaintiff Jesus A. De Leon Tricoche very respectfully requests that this Honorable Court may provide accordingly prior any pronouncement that may proceed in right.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 13 of November of 2024.



Jesús A. De León Tricoche
Inst. 501 Edif. 1-D
PO BOX 607073
Bayamon, PR 00960-7073

* LOOK EXHIBIT, I, II, III, IV
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